



Proskauer Rose LLP Eleven Times Square New York, NY 10036-8299

March 15, 2021

By eFile

Honorable Leda Dunn Wettre
United States Magistrate Judge
United States District Court
District of New Jersey
Martin Luther King Building
50 Walnut Street, Room MLK 3C
Newark, NJ 07101

Joseph C. O'Keefe
Member of the Firm
d +1.212.969.3019
f 212.969.2900
jokeefe@proskauer.com
www.proskauer.com

Re: *Howmedica Osteonics Corp. v. Brett Howard, et al*
U.S. District Court, District of New Jersey, Case No. 19-cv-19254-SDW-LDW

Dear Judge Wettre:

Pursuant to the Court's March 8, 2021 Order (ECF No. 58), Plaintiff Howmedica Osteonics Corp. ("Plaintiff") and Defendants Brett Howard and Corey Petulla ("Defendants") jointly submit this status letter regarding their efforts to resolve any outstanding written discovery disputes.

Since the February 8, 2021 telephonic status conference with the Court, the parties have made good progress on resolving their outstanding written discovery disputes. Counsel for the parties have met and conferred four times (on February 9, 2021, February 19, 2021, March 4, 2021 and March 9, 2021) to discuss perceived deficiencies in their respective written discovery responses and document productions and those of third parties Alphatec Spine, Inc. and Katherine Salcido. Pursuant to those discussions, Plaintiff and Defendants have supplemented certain responses, and have reached agreements on all other outstanding issues.

While the parties have not yet had the opportunity to produce and review all of the additional documents and information they have agreed to exchange, we are optimistic that the intervention of the Court may not be necessary. The possibility remains, however, that once the parties have completed the agreed exchanges, issues and disputes may arise. If that happens, we will advise the Court by joint letter.



Honorable Leda Dunn Wettre
March 15, 2021
Page 2

Respectfully submitted,

PROSKAUER ROSE LLP

SHEPPARD, MULLIN, RICHTER
& HAMPTON, LLP

By: /s/ Joseph C. O'Keefe
Joseph C. O'Keefe
Margaret F. Swetman (*admitted pro hac vice*)
Attorneys for Plaintiff

/s/ Christopher Collins
Christopher Collins
Sean J. Kirby
Stephen Fox (*admitted pro hac vice*)
Attorneys for Defendants